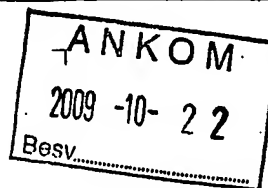




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Application No. 04 714 064.5 - 2412	Ref. PE18417EP00	Date 16.10.2009
Applicant TELEFONAKTIEBOLAGET LM ERICSSON (publ)		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).



Schweitzer, J
Primary Examiner
For the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)
copies of US-A-6005848, US-B1-6333921, WO-A1-00/74311
and WO-A1-01/65869

The examination is being carried out on the following application documents:

Description, Pages

1-28 as published

Claims, Numbers

1-23 as published

Drawings, Sheets

1/7-7/7 as published

The following documents (D) are referred to in this communication:

D1: US-A-6 005 848

D2: US-B1-6 333 921

D3: WO-A-00/74311

D4: WO-A1-01/65869

D5: EP-A1-1 309 213

Documents **D1** to **D4** are cited by the Examiner. Copies of these documents are annexed to the communication.

An International Preliminary Examination Report (IPER) dated 30.08.2006 has already been drawn up for the present application [**PCT/SE2004/0249**] in accordance with the PCT, by the Swedish patent office acting as IPEA.

The examining division, however, does not agree with the findings regarding the inventive step (Article 56 EPC) of the claimed subject-matter as given in section V of the IPER, for the following reasons.

The general idea of the alleged invention, that is, dedicating or allocating a single downlink (outbound) traffic channel to a point-to-multipoint data transmission (or a group call) involving several mobile stations located in the same cell, is arguably well-known in the field of mobile communications systems and disclosed in numerous prior art publications. Merely as examples of available prior art documents, reference is made hereinafter to the above-cited documents **D1** to **D5**.

More specifically, referring to the wording of present **claim 1**, the cited document **D1** discloses a method of performing data communication between a sending user

communications unit and multiple receiving user communications units in a cellular communications system, wherein:

- said sending user communications unit provides data to be communicated to said multiple receiving user communications units over said communications system, cf. col.3, lines 26 to 33;
- a set of at least two of said multiple receiving user communications units being associated with a same cell of said communications system is identified, cf. col.3, lines 33ff, and
- said data is simultaneously transmitted to said identified receiving user communications units of said set using a dedicated channel specific for said cell.

Citation **D1** thus effectively discloses all the subject-matter of claim 1 which therefore is not allowable in that it lacks novelty (Articles 52(1) and 54 EPC).

Similarly, claim 1 is also entirely anticipated by the content of each of documents **D2**, see e.g. the abstract and on col.5, lines 39-43, **D3**, see e.g. on page 8, line 26 to page 9, line 29, **D4**, see e.g. the abstract, and **D5**, see the abstract, all of them showing the well-known use of a single/common dedicated downlink (outbound) traffic channel for a group call to a group of subscribers or mobile stations being located in the same cell/area.

Claim 1 hence also lacks novelty over each of documents **D2** to **D5** (Articles 52(1) and 54 EPC).

Independent **claim 13** directed to a server is drafted in structural terms and corresponds essentially to method claim 1 and hence the arguments concerning lack of novelty set out above apply mutatis mutandis equally to said claim 13, which is therefore also not allowable.

The **dependent claims 2 to 12 and 14 to 23** appear to add nothing of inventive significance to claims 1 and 13, respectively, as the additional features introduced by said dependent claims refer only to minor implementing details which are either known or directly derivable from the cited prior art references **D1** to **D5**, e.g. the use of dedicated broadcast channels, or fall within the general knowledge or technical competence of a person skilled in the art, e.g. the use of cell information or address information for identifying

receiving units, each of said features acting in a normal and unsurprising way, and not combining to yield any unexpected or surprisingly advantageous result.

Thus, the dependent claims on file, either alone or in combination, appear to add nothing of inventive significance to those claims to which they are appended and, therefore, these claims cannot be considered to offer a basis for a patentable claim.

In view of the above, no allowable combination of claims can be suggested by the examiner. It is also not at present apparent which part of the application could serve as a basis for a new, allowable claim. If the applicant believes that such matter exists, he is invited to file a new set of claims directed towards such matter with strong supporting arguments detailing its inventive contribution to the art. However, as no feature of either the claims or the description appears to be a suitable basis for a new acceptable main claim, a refusal of the application should be expected.

If, despite the above objections, the applicant wishes to proceed with the application and submits new claims for consideration, he should also take account of the requirements of Rule 43(1) EPC (two-part-form), Rule 42(1)b)c) EPC (prior art discussion of D1 to D5, statement of the invention on pages 3ff) and, finally, Article 123(2) EPC (no addition of subject-matter).

The applicant should also clearly indicate in the letter of reply the difference vis-a-vis the state of the art and the significance thereof and, in order to expedite the procedure, indicate in his reply where there is a basis for the proposed amendments in the application as originally filed.

Finally, amendments to the application should be filed by way of replacement pages. If handwritten amendments are submitted, they should be clearly legible for the printer.